



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/731,814 | 12/08/2000 | Roustem Zainoulline | 744801-2 | 1797 |

7590 06/16/2003
Roustem Zainoulline
944 Rosette Ct
Sunnyvale, CA 94086

EXAMINER

VU, KIEU D

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2173

11

DATE MAILED: 06/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-----------------|----------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/731,814 | ZAINOULLINE, ROUSTEM | |
| | Examiner | Art Unit | |
| | Kieu D Vu | 2173 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u> | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Drawings

1. The informal drawings filed in this application are acceptable for examination purposes. When the application is allowed, applicant will be required to submit new formal drawings.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 18-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 18 recites the limitation "said trigger" in line 14. There is insufficient antecedent basis for this limitation in the claim.

Claim 23 recites the limitation "said communications link" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

Art Unit: 2173

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-10 and 13-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Stern ("Stern", USP 6533404).

Regarding claim 1, Stern teaches a method for previewing media products comprising the steps of providing a preview device (Wall-of eyes 180) for previewing predetermined preview clips of a plurality of pre-recorded media products (col 20, line 67 to col 21, line 2); interactively indicating which of said plurality of pre-recorded media products are to be previewed (col 21, lines 1-4); and instantly playing said preview clips of an indicated pre-recorded media product in real time (col 21, lines 1-2).

Regarding claim 2, Stern teaches that plurality of pre-recorded media products is at least one of music, video, movie, electronic game program, and software program (col 10, lines 65-67).

Regarding claim 3, Stern teaches an accessible staging memory adapted to at least temporarily store said preview clips (col 8, lines 3-8).

Regarding claims 4-5, Stern teaches that preview clips of said plurality of pre recorded media products are stored in a media product storage device (col 20, lines 65-66).

Regarding claim 6, Stern teaches the previewing device is a listening booth (listening post 185).

Regarding claim 7, Stern teaches that said media product storage device is a CD (col 20, lines 65-68).

Regarding claim 8, Stern teaches that previewing device is a computer and said staging memory is a portion of a hard drive (col 23, lines 56-61).

Regarding claim 9, Stern teaches that previewing device includes a display device (col 26, lines 12) having a graphical user interface (col 23, line 63) and objects representing said preview clips pre-loaded into said staging memory are displayed on said display device via said GUI (col 26, lines 24-39).

Regarding claims 10 and 13, Stern teaches moving a graphically embodied cursor of said GUI over a trigger field displayed on said GUI (col 21, lines 7-10).

Regarding claim 14, Stern teaches that each of said predetermined preview clips are segments representative of contents of one of said plurality of pre-recorded media products (col 18-25).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 11-12, 15-21, and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stern and Hilpert, Jr. et al ("Hilpert", USP 6469712).

Regarding claims 11 -12 and 15-16, Stern an interactive graphical user interface for allowing a user to preview media products. Stern does not teach the step of instantly playing said preview clip of an indicated pre-recorded media product occurs upon said cursor entering said trigger field. However, such feature is known in the art as taught by

Art Unit: 2173

Hilpert. Hilpert teaches a projected audio for computer displays which comprises the generating 3D sound corresponding to objects at cursor position (Fig. 4) and terminating the sound when the cursor leave the position (inherent). It would have been obvious to one of ordinary skill in the art, having the teaching of Stern and Hilpert before him at the time the invention was made, to modify the interface method taught by Stern to include the generating 3D sound corresponding to objects at cursor position taught by Hilpert with the motivation being to enable system to quickly and conveniently play the clips.

Regarding claim 17, Hilpert teaches that the cursor is moved by a mouse (mouse 109).

Regarding claims 18 and 20, Hilpert teaches a textual tag adapted to be launched by a user clicking on said trigger and access to a remotely located website (col 4, lines 51-59).

Regarding claim 19, Stern teaches the retrieve and playback audio file (col 21, lines 59-61).

Regarding claim 21, Stern teaches the purchasing of pre-recorded media product (col 27, lines 48-52).

Regarding claim 24, Stern teaches that plurality of pre-recorded media products is at least one of music, video, movie, electronic game program, and software program (col 10, lines 65-67).

Regarding claim 25, Stern teaches that each of said predetermined preview clips are segments representative of contents of one of said plurality of pre-recorded media products (col 18-25).

8. Claims 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stern, Hilpert, and Sparks et al ("Spark", USP 6167382).

Regarding claims 22-23, Stern and Hilpert do not teach a "shopping cart". However, such feature is known in the art as taught by Sparks. Sparks teaches an advertising system which comprises a "shopping cart" 80 to keep track of the products (Fig. 3, col 5, lines 48-50) to purchase products. It would have been obvious to one of ordinary skill in the art, having the teaching of Stern, Hilpert, and Sparks before him at the time the invention was made, to modify the interface method taught by Stern and Hilpert to include the "shopping cart" taught by Sparks with the motivation being to increase the user friendliness of the system.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu whose telephone number is (703-605-1232). The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (703- 308-3116).

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)-746-7238 (After Final Communication)

or

(703)-746-7239 (Official Communications)

(703)-746-7240 (For Status Inquiries, draft communication)

and / or:


Art Unit: 2173

(703)-746-5639 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-3900).

Kieu D. Vu

June 5, 03.



RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173